

---

# Public Notice

---

**Applicant:**  
City of Lorain

**Date:**  
**Published:**  
**Expires:**

---

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 97-502-0018(6) Section: OH 404**

---

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Craig Mills, on behalf of The City of Lorain, 200 West Erie Avenue, Lorain, Ohio 44052, has requested a Department of the Army (DA) Permit to place fill in waters of the United States in connection with the expansion of the Colorado Industrial Park. The project is located just south of Colorado Avenue (State Route 611), in the City of Lorain, Lorain County, Ohio.

Department of the Army authorization is required to place fill material in 15.3 acres of Federal wetland.

**A. Project History:**

In July of 1997, the City of Lorain received DA authorization to place fill in 0.99 acre of Federal wetland located near Root Road for the construction of Phase I of the Colorado Industrial Park. Mitigation for this impact was the on-site construction of 2.0 acres of wetland and the preservation of the remaining 5.0 acres of forested wetland. Then, in December of 1998, the applicant received DA authorization to place fill in an additional 1.84 acres of wetland for the construction of Phase II of the Colorado Industrial Park for a total project impact of 2.83 acres. This fill was authorized under Nationwide Permit No. 26. This included 0.67 acre of wetland on the Phase I parcel (see sheet 4 of 5). As mitigation for these additional impacts, the applicant agreed to place easements and/or deed restrictions on 17.5 acres of Kennedy Park, including approximately 2,400 feet of riparian corridor along Beaver Creek. In June of 1999, the applicant requested a modification of the above authorization for an additional impact of 10 acres of wetland. This request was withdrawn pending the resolution of a violation on the Phase II property which was subsequently resolved.

**B. Current Proposal:**

The City of Lorain has requested Department of the Army authorization to impact an additional 15.3 acres of Federal wetland for the construction of Phase III of the Colorado Industrial Park. This includes impacting 6.7 acres of wetland on the Phase III parcel as well as all of the remaining wetland areas on the Phase I and II parcels (8.6 acres), including the mitigation areas from the first permit action. The wetland delineation for the Phase III area was conducted in March of 1998 and was subsequently verified on March 24, 1999. The proposed project area contains no streams.

As mitigation for these impacts, the applicant proposes to restore a total of approximately 40 acres of wetland and to preserve another 5.8 acres of wetland at the 100-acre Elmwood Park in the City of Lorain, located north of North Ridge Road and on the north side of Elmwood Cemetery. The remaining mitigation will consist of the creation of naturalized drainageways on the project site and the enlarging and enhancement of a 1.2 acre wetland adjacent to the Black River. In addition, a long-range goal is to establish a trail system linking the riparian area of the project site with the Lorain Metroparks trail system.

The applicant's stated purpose for this project is to provide economic development within the City of Lorain through the construction of light industrial and commercial building sites in the Phase I-III parcels.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin P. Wargo, who can be contacted by calling (716) 879-4116, or by e-mail at: martin.p.wargo@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project. However, two archaeological sites have been identified on the Phase III property. See sheet 3 of 5 for locations.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Martin P. Wargo, or by e-mail at: martin.p.wargo@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the

Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.